IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 16276 of 2006(K)

PETITIONER:

K.P.MOHANAN, KATTIKULAM HOUSE,
EDATHIRUTHY, THRISSUR.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:

1. REGIONAL TRANSPORT AUTHORITY,
REP. BY ITS SECRETARY, THRISSUR.

2. THE SECRETARY, REGIONAL TRANSPORT
AUTHORITY, THRISSUR.

ADDITIONAL 3RD RESPONDENT:

3. K.NANDAKUMAR, KOCHATTIL HOUSE,
MANATHIKULAM ROAD, THRISSUR.

(ADDL.R3 IMPLEADED AS PER ORDER IN I.A.NO.12091/06
DTD.11.7.2007)

BY ADV. SRI.PRASAD CHANDRAN
G.P. SHRI.BENCHAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 16276/07.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE TIMINGS ALLOTED TO THE PETITIONER.

P2. COPY OF THE PROCEEDIGNS OF THE RTA.

P3. COPY OF THE NOTIFICTION DTD.18.10.05.

P4. COPY OF THE JUDGMENT.

P5. COPY OF THE PROCEEDINGS OF RTA, DTD.9.5.06.

P6. COPY OF THE POSTAL COVER DTD.16.6.06.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.16276 of 2006

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Dated this the 11th day of July, 2007

J U D G M E N T

The petitioner challenges Ext.P5 proceedings of the 2nd respondent, whereby the timings of the petitioner's permit after variation have been settled. According to the petitioner, the same has been issued without application of mind. The petitioner points out that as per Ext.P5, the petitioner is to start from Kattur at 5.45 in the morning and is to halt at Thriprayar at 12.05 p.m. The contention of the petitioner is that if the petitioner is to start again at 5.45 from Kattur, there is no point in halting at Thriprayar at noon.

2. I have heard the learned counsel for the petitioner, the learned Government Pleader and the learned counsel for the additional 3rd respondent.

3. The third respondent submits that if the court is inclined to set aside Ext.P5, the third

respondent also may be heard before settling the timings again with regard to Ext.P3 which is the proposed timings.

4. After hearing both sides, I am satisfied that the petitioner's contention that the Secretary has not applied mind properly is correct. A mere look at Ext.P5 is sufficient to prove the same especially in comparison to Ext.P3 proposed timings. Accordingly, I set aside Ext.P5 directing the 2nd respondent to settle the timings again after hearing the petitioner, the third respondent and others who may be affected by such settlement taking into account Exts.P2 and P3 also, as expeditiously as possible at any rate, within one month from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///TRUE COPY///

P.A. TO JUDGE.